

### REMARKS

Receipt of the Office Action of August 25, 2005 is gratefully acknowledged.

The examiner has objected to the abstract. In reply thereto, the abstract has been replaced with an abstract which complies more closely to the provisions of 37 CFR 1.72 (b).

Claims 1 - 16 have been examined and these have been rejected as follows: (1) claims 1, 2, 4, 5, 6, 8, 10, 11, 12 and 15 as anticipated under 35 USC 102(e) by Nicot; and (2) claims 3, 7, 9, 13, 14 and 16 as unpatentable under 35 USC 103(a) over Nicot in view of Liatard et al.

(1)

Claims 3 and 7 have been canceled and their subject matter included in claims 1 and 6, as amended, thereby rendering this rejection as moot.

(2)

Claims 1, 2, 4, 5, 6, 8, 11, 17 and 18 are believed to patentably distinguish over Nicot alone or in combination with Liatard et al.

Claim 1 as amended recites that the protective cover is ***made of magnetic rubber*** and is attached to the surface of the multi-pole magnet in an ***adhesively and peelable manner*** by ***magnetic force attraction therebetween***.. Then in new claim 17, it is stated that the protective cover is made of magnetic rubber ***which was previously magnetized***. These distinctive features are not found, it is respectfully submitted, in either Nicot or Liatard et al.

Nicot does disclose a protective element to prevent shock against a multi-pole magnet and to protect against the attachment of dust. The protective element is **not** like a film and instead is more like a strong board which is thinly formed. Nicot discloses that the protective element has a thickness designed to reduce or even neutralize the magnetic field generated by the outer face of the protective element, which is not in contact with the magnetic encoder.

According to one embodiment (claims 1 and 6) of the present invention, the protective cover is stuck fast to the multi-pole magnet, so that the size and shape of the protective cover can be at a minimum. The magnetic rubber allows for an attachment which is adhesive and peelable so that the magnetizing surface of the multi-pole magnet is protected against damage. According to another embodiment (claim 17) of the present invention, the magnetic force is caused by magnetizing the magnetic rubber so as to absorb the iron powder.

The Nicot and Liatard et al patents lack a magnetic rubber like that defined in claims 1 and 6, and one that has been previously magnetized like that defined in claim 17. Accordingly, it is respectfully submitted that claims 1, 6 and 17, and claims 2, 4, 5, 8, 11 and 18, which depend from these claims are patentable over Nicot alone or in combination with Liatard et al

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*Attorney/Docket No.:* TESH3001/FJD

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 1, 2, 4, 5, 6, 8, 11, 17 and 18 found allowable.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Felix J. D'Ambrosio', with a long horizontal flourish extending to the right.

Felix J. D'Ambrosio

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